

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Criminal Case No. 12-20218

Timothy Carpenter,

Sean F. Cox

United States District Court Judge

Defendant.

**ORDER DENYING**  
**DEFENDANT CARPENTER'S "MOTION FOR ORDER TO PROVIDE**  
**SEALED TRANSCRIPT FOR PURPOSE OF APPEAL"**

This matter is currently before the Court on Defendant Timothy Carpenter's "Motion For Order To Provide Sealed Transcript For Purpose Of Appeal." (Docket Entry No. 346). In this motion, Carpenter's Counsel asks this Court to authorize the Court Reporter to provide a copy of Co-Defendant Jesse Dismukes's "sealed sentencing transcript (sentencing conducted 4/9/14) to Defendant Carpenter's trial and appellate counsel, Harold Gurwitz." (*Id.* at 1). Counsel for Defendant Dismukes filed a brief opposing the motion. (Docket Entry No. 346). The Court finds that the issues have been adequately presented in the parties' briefs and that oral argument would not aid the decisional process. *See* Local Rule 7.1(f)(2), U.S. District Court, Eastern District of Michigan. The Court therefore orders that the motion will be decided upon the briefs.

Counsel for Carpenter states that he desires a copy of the sealed sentencing transcript because he believes "the transcript may be necessary for Defendant Carpenter's appeal." (Def. Carpenter's Motion at 1). He provides no further explanation, other than to say he "anticipates raising an issue regarding Defendant's sentence" and that he believes the sealed transcript of

Defendant Dismukes's sentencing may be "required to fully present this issue." (*Id.* at 2).

To the extent that Counsel for Carpenter intends to make an argument based on disparity of sentences, the sentencing transcript is not required to do so because Defendant Dismukes's Judgment (Docket Entry No. 302) is not sealed and reflects the sentence imposed by this Court. This Court is not aware of any appellate issue that would require Counsel to review Defendant Dismukes's sealed sentencing transcript and Counsel for Carpenter has not identified any such issue. Moreover, the purpose for sealing the transcript still remains.

Accordingly, IT IS ORDERED that the motion is DENIED.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: October 20, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 20, 2014, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager